

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DENNIS DIMON,

Plaintiff,

VS.

C. A. No: 05-11073 NG

**METROPOLITAN LIFE
INSURANCE COMPANY, KEMPER
INSURANCE COMPANY,
MORGAN STANLEY DW, INC.,
MICHAEL B. LATTI, LATTI
ASSOCIATES, and LATTI &
ANDERSON LLP,**

Defendants.

**METROPOLITAN LIFE INSURANCE COMPANY'S
MOTION IN LIMINE
TO DEEM ADMITTED THAT AMERICAN MOTORISTS INSURANCE
COMPANY IS NOW KEMPER INSURANCE COMPANY**

ORAL HEARING REQUESTED

Defendant, Metropolitan Life Insurance Company (hereinafter “MetLife”), moves for an Order deeming admitted the fact that American Motorists Insurance Company (“American Motorists”) is now Kemper Insurance Company (“Kemper”).

American Motorists Insurance Company (now part of “The Kemper Group”) was the excess liability insurance carrier for Jenny C., Inc., defendant in *Dennis J. Dimon v. Jenny C., Inc.*, C.A. No. 81-0063 (USDC RI). American Motorists trades under the name of Kemper Insurance Company. (See Memorandum of Law of Kemper Insurance Company in Support of Its Motion for Summary Judgment at 2, FN2.)

MetLife seeks an order from this Court deeming as admitted the fact that American Motorist is now Kemper and that, as such, Plaintiff's claims against Kemper are those that he would have had against American Motorists.

WHEREFORE, Metropolitan Life Insurance Company prays that at the Trial of this matter this Court issue an Order deeming admitted the fact that American Motorists Insurance Company is now Kemper Insurance Company.

REQUEST FOR ORAL ARGUMENT

MetLife respectfully requests pursuant to Local Rule 7.1(D) that the Court schedule this matter for oral argument. Oral argument will assist the Court in making its decision on MetLife's Motion.

Respectfully submitted by:

Defendant,

METROPOLITAN LIFE INSURANCE
COMPANY,

By its Attorneys,

/s/ James J. Ciapciak
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on May 12, 2008.

/s/ James J. Ciapciak
James J. Ciapciak